IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2522 OF 2006

P.D. Shenoy ....Petitioner
V/s.
Indian Airlines Ltd. & another ....Respondents

Mr.N.M. Ganguli for the Petitioner.

Mr.R.S. Pai i/b Sanjay Udeshi & Co. for Respondent No.1.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. The Petitioner had not reached the age of superannuation, but however sought to retire from the services of the Respondents in terms of Regulation 12(b). Regulation 12(b) reads as under :-

> "On the completion of 20 years of continuous service may be by giving three months notice voluntarily retire from the service. Provided that voluntary retirement under clause (b) shall be subject to approval of the competent authority."

2. The Petitioner's application of voluntary

retirement was kept pending for a long time but in terms of the reply now filed by the Respondents, has been rejected by the communication on 15.9.2006.

3. The case of the Petitioner is that once application is moved for retirement, under the provisions of Regulation 16(b), it would be the boundant duty of the Respondents to have decide the same recently. As the Respondents for a long period of time did not accept the letter to offer retirement, the Petitioner stopped attending the work, as in his opinion, he ceases to be in the employment and demanded the compensation/retiremental benefits from Respondent No.1.

4. After having heard the learned counsel for the Petitioner and the learned counsel for Respondent No.1 and the relevant Regulation, we are clearly of the opinion that right to accept or reject is that of the employer. It is true that this has to be exercised within a reasonable time, that however does not give right in employee if not accepted within reasonable time to hold that the employer has to come to an end. The requirement of the Regulation is approval of the competent authority. The Competent Authority has by a communication on 15.9.2006 refused

the request for voluntary retirement. Considering the above, we are of the opinion that no case is made out for interference by this Court.

5. It is made clear that we are not going to the merits as to whether Respondent No.1 was within its jurisdiction to accept or refuse. If the Petitioner is aggrieved, it is for the Petitioner to take whatever action which he desires.

6. With the above observations, the Writ Petition is accordingly disposed of, with no order as to costs.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)